

Amendment Dated: **June 10, 2004**

Reply to Office Action of March 10, 2004

REMARKS/ARGUMENTS

Claims 1-23 are pending in the application. By the Amendment, claims 1, 4, 7, 22, and 23 are amended. No new matter has been added to the application. Support for the claims can be found throughout the specification, including original claims and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicants gratefully acknowledge the indication in the Office Action, at page 6, that claims 8-21 are allowed.

The Office Action, at page 6, indicates that the Office Action is final under M.P.E.P. § 706.07(a), asserting that Applicants' Amendment necessitated the new ground(s) of rejection presented in the Office Action. However, Applicants respectfully submit that the outstanding Office Action was made final prematurely. In accordance with M.P.E.P. § 706.07(c), Applicants respectfully request that the finality of the outstanding Office Action be withdrawn for at least the following reasons.

The circumstances under which an Office Action is properly made final are set forth in the M.P.E.P.:

[S]econd or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) [A] second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR

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1.97(c) ... of any claim not amended by applicant ... in spite of the fact that other claims may have been amended to require newly cited art.

...

A second or any subsequent action on the merits in any application ... may not be made final if it contains a new ground of rejection necessitated by the amendments to 35 U.S.C. 102(e) by the Intellectual Property and High Technology Technical Amendments Act of 2002 ..., unless the new ground of rejection was necessitated by an amendment to the claims or as a result of information submitted in an information disclosure statement under 37 CFR 1.97(c)

When applying any 35 U.S.C. 102(e)/103 references against the claims of an application filed on or after November 29, 1999, the examiner should anticipate that a statement averring common ownership at the time the invention was made may disqualify any patent ... applied in a rejection under 35 U.S.C. 103 based on 35 U.S.C. 102(e). If such a statement is filed in reply to the 35 U.S.C. 102(e)/103 rejection and the claims are not amended, the examiner may not make the next Office action final if a new rejection is made.

M.P.E.P. § 706.07(a) (first and third emphases added).

The first Office Action, mailed September 17, 2003, applied a 35 U.S.C. §§ 102(e)/103 reference (i.e., Ha et al., U.S. Patent No. 6,225,779) against claims 1-7 of the present application, which was filed in the U.S. Patent and Trademark Office after November 29, 1999 (i.e., July 3, 2001). A statement filed on December 17, 2003 in Applicants' reply to the first Office Action averred common ownership of Ha et al. and the present invention, at the time the present invention was made, to disqualify the Ha et al. patent. Further, claims 1-7 were not amended. The outstanding Office Action sets forth a new rejection of claims 1-7 based upon newly cited Kuriyama et al. (U.S. Patent No. 6,104,362, hereinafter "Kuriyama"). Thus, it is clear under the M.P.E.P. that the outstanding

Office Action should not have been made final. Withdrawal of the finality of the outstanding Office Action is respectfully requested.

The Office Action, at page 2, rejects claim 22 under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse the rejection and submit that the rejection is obviated by the above amendment to claim 22. Withdrawal of the rejection is respectfully requested.

The Office Action, also at page 2, rejects claims 1-3 and 6 under 35 U.S.C. § 103(a) over Applicants' submitted related art in view of Kuriyama. The Office Action, at page 4, rejects claims 4 and 5 under 35 U.S.C. § 103(a) over Applicants' submitted related art in view of Kuriyama, and further in view of Ishii et al. (U.S. Patent No. 6,531,995, hereinafter "Ishii"). The Office Action, also at page 4, rejects claim 7 under 35 U.S.C. § 103(a) over Applicants' submitted related art in view of Kuriyama, and further in view of Matsuzaki et al. (U.S. Patent No. 5,939,828, hereinafter "Matsuzaki"). Since the references, alone or in combination, fail to disclose or suggest all the features of the claims, the rejections are respectfully traversed.

Independent claim 1 is directed to a plasma display panel (PDP) having discharge cells arranged in a matrix, that includes the features of sustaining electrodes formed at and traversing the boundary portions between the discharge cells. Applicants respectfully submit that such features are neither disclosed nor suggested by Applicants' submitted related art, Kuriyama, or the combination thereof.

The Office Action, at page 3, asserts that Applicants' submitted related art discloses a PDP having discharge cells in which sustaining electrodes are formed at the boundary portions between the discharge cells. However, Applicants respectfully submit that Applicants' submitted related art fails to disclose or suggest at least the features of sustaining electrodes formed at and traversing the boundary portions between the discharge cells. Applicants respectfully submit that Kuriyama also fails to disclose or suggest at least the features of sustaining electrodes formed at and traversing the boundary portions between the discharge cells. Thus, not even the combination of Applicants' submitted related art and Kuriyama discloses or suggests at least the features of claim 1.

For at least the reasons set forth above, Applicants respectfully submit that claim 1 is allowable. With respect to claims 4, 5, and 7, Applicants also respectfully submit that Ishii and Matsuzaki, respectively, also fail to disclose or suggest at least the features of sustaining electrodes formed at and traversing the boundary portions between the discharge cells. Claims 2-7 depend from claim 1, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein, and the combinations thereof. Withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that the Office Action fails to set forth a statutory basis for rejecting claims 22 and 23 over the cited art. Nevertheless, insofar as the Office Action, at page 5, asserts that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Kuriyama into Applicants' submitted related art to render claims 21 and 22 obvious, Applicants disagree.

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Independent claim 22 is directed to a PDP that includes the features of first and second sustaining electrodes at opposing boundaries of a discharge cell, the first and second sustaining electrode extending across the opposing boundaries between adjacent discharge cells. For at least the reasons similar to those set forth above with respect to claim 1, Applicants respectfully submit that such features are neither disclosed nor suggested by Applicants' submitted related art, Kuriyama, or the combination thereof. Claim 23 depends from claim 22, and thus is allowable for at least the same reasons, as well as additional patentable features recited therein, and the combinations thereof. Thus, Applicants submit that claims 22 and 23 are in condition for allowance.

Applicants note that the PTO-1449 Form filed with the Patent and Trademark Office on December 30, 2003, and attached to the Office Action, has not been initialed. Accordingly, Applicants respectfully request that the attached copy of the PTO-1449 Form be initialed and a copy thereof be provided for Applicants' records, acknowledging that the reference cited therein has been considered.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Garth D. Richmond, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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